

### REMARKS

Claims 1, 2, and 16-27 are pending in this application after this amendment. New claim 27 is presented for consideration by the Examiner. No new matter has been added by the addition of new claim 27. Claims 1 and 20 are independent. Based on the remarks included herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1, 2, and 16-26 under 35 U.S.C. §103(a) as being unpatentable over *Anderson et al.* (USP 6,498,623) in view of *Hashimoto* (USP 6,972,799). Applicant respectfully traverses this rejection.

In the previous reply, Applicant argued that *Hashimoto* taught away from the Examiner's purported combination by providing a device that seeks to speed up the AF process. The teachings of *Hashimoto* appear to suggest not sacrificing a high-speed frame rate by lengthening the imaging cycle. However, it appears that the Examiner has failed to consider and respond to this argument.

The Examiner's attention is respectfully directed to Applicant's reply filed June 13, 2007. In the Reply, Applicant argued that the claims are directed to an invention that is intended to ensure the brightness of a live image by sacrificing the imaging cycle.

In contrast, the disclosure of *Hashimoto et al.* is directed to an auto focusing apparatus selectively operable in an ordinary mode and a high speed mode. *Hashimoto* seeks to speed up the AF process. As such, *Hashimoto* teaches away from the claimed invention that sacrifices a high-speed frame rate by lengthening the imaging cycle, as *Hashimoto* only recites speeding up the frame rate.

As such, Applicant respectfully submits that *Hashimoto* fails to cure the deficiencies of the teachings of *Anderson et al.* Even if the cited references were combined, the combination would still fail to teach or suggest all of the elements as noted above. Thus, it is respectfully requested that the outstanding rejection be withdrawn.

By this amendment, Applicant has added new claim 27 for consideration by the Examiner. Claim 27 recites an electronic camera wherein the changing device halves an imaging cycle longer than the default imaging cycle at least once when the brightness of the object is higher than the brightness corresponding to the imaging cycle. Applicant respectfully submits that neither of the cited references, either alone or in combination, teach or suggest wherein the changing device halves an imaging cycle longer than the default imaging cycle at least once when the brightness of the object is higher than the brightness corresponding to the imaging cycle.

For the reasons set forth above, Applicant respectfully submits that the claims are patentable over the references as cited. As such, it is respectfully requested that the outstanding rejection be withdrawn.

### **Conclusion**

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

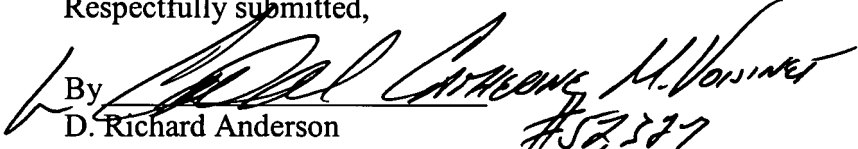
Application No. 09/440,624  
Amendment dated October 9, 2007  
Reply to Office Action of July 6, 2007

Docket No.: 0879-0244P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: October 9, 2007

Respectfully submitted,

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